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7 IN THE UNITED STATES DISTRICT COURT
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 In re: JDS UNIPHASE CORPORATION
11 SECURITIES LITIGATION

No. C-02-1486 CW (EDL)

**ORDER DENYING LEAD PLAINTIFF'S
REQUEST FOR MISCELLANEOUS
RELIEF**

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13 This document relates to ALL ACTIONS
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15 On May 23, 2007, Lead Plaintiff filed a letter brief requesting miscellaneous relief pursuant
16 to Civil Local Rule 7-11 in the form of an order compelling JDSU to state by a date certain whether
17 the individual JDSU Defendants (Jozef Straus, Jay Abbe and Tony Muller) will introduce evidence
18 of diversification. On May 30, 2007, JDSU submitted a response.

19 In the Court's April 10, 2007 Order Granting in Part Lead Plaintiff's Motion to Compel
20 Limited Additional Discovery, the Court denied additional discovery of the individual Defendants'
21 financial transactions, stating in a footnote that "Defense counsel has indicated, however, that the
22 individual JDSU defendants might testify that they sold JDSU stock to diversify their portfolios.
23 The Court notes that such testimony could put the individuals' financial transactions and investment
24 portfolios at issue, and does not address whether that eventuality would justify further discovery or
25 other steps." See Apr. 10, 2007 Order (docket no. 1064) at n. 2. The Court did not require JDSU to
26 state whether it would offer evidence of diversification with respect to the individual Defendants.
27 Lead Plaintiff does not point to any new facts that would cause the Court to address the question, left
28 open in the April 10, 2007 Order, of whether "further discovery or other steps," such as stating
whether diversification evidence would be offered, should be taken regarding the individual

1 Defendants. Therefore, Lead Plaintiff's request for relief is denied.

2 JDSU is cautioned, however, that in making this Order, the Court relies on JDSU's
3 representations in its May 30, 2007 letter that the individual Defendants have "no intention of
4 relying on or introducing into evidence any documents regarding their investments apart from those
5 already produced to Plaintiffs," and that "to the extent they testify about investment diversification,
6 their testimony would be limited to the common-sense practice of not placing all their eggs in one
7 basket." IT IS SO ORDERED.

8 Dated: June 4, 2007

Elizabeth D. Laporte
9 ELIZABETH D. LAPORTE
10 United States Magistrate Judge
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